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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000882

SIPDIS

EUR/CARC FOR JOHN COONEY, DRL FOR WENDY SILVERMAN, INR FOR
PAUL STRONSKI

E.O. 12958: DECL: 09/15/2018
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [AJ](#)
SUBJECT: SEARCHING FOR FREEDOM OF ASSEMBLY IN BAKU

REF: A. 2006 BAKU 1704
[1](#)B. BAKU 850
[1](#)C. BAKU 879

Classified By: Political Economic Counselor Rob Garverick, for reasons
1.4 (b,d).

[1](#)1. (C) SUMMARY: On September 9, the Mayor of Baku announced a list of eleven locations throughout the city of Baku that are approved for the holding of demonstrations during the presidential election period. The major opposition parties have announced their displeasure with the approved sites, due to their distance from central Baku. A tour of the closest sites by Embassy officials found one site that would be acceptable for rallies, but other locations had logistical problems which would make it difficult to impossible to hold rallies there. Given that the May 2008 law on freedom of assembly does not require citizens to assemble only in designated areas, this list of eleven sites can be seen as a first step in expanding freedom of assembly, but the GOAJ still has several steps to take in order to meet its own domestic legal and international commitments. Presidential Advisor Ali Hasanov stated last week that the initial list of 11 sites is preliminary and would be expanded. END SUMMARY

BAKU MAYOR ANNOUNCES APPROVED DEMONSTRATION SITES

[1](#)2. (C) On September 9 the Mayor of Baku announced a list of eleven sites within the Baku Municipality that are approved for demonstrations during the presidential campaign period. The list contains one site in most of the major regions of the city of Baku. The notable exception, however, is a location in the downtown area * there is no approved site for demonstrations in the "old city" or anywhere within a half hour walk or drive of it.

[1](#)3. (C) This announcement comes in the context of severe restrictions on freedom of assembly that the GOAJ has imposed since the 2005 parliamentary elections, including limiting rallies to four locations far outside downtown Baku (ref A). In May 2008, however, the GOAJ passed a new law on freedom of assembly which loosened these restrictions, and was positively reviewed on paper by several international organizations. Implementation of this law, however, remains to be seen (ref B). The announcement of these demonstration sites can be seen, therefore, as the first step in implementing the new law. Other municipalities will likely announce similar "freedom of assembly zones" in the coming weeks. The law, however, does not require citizens to assemble in only specially designated areas, but in fact allows for demonstrations anywhere apart from within 200

meters of a government building.

13. (C) In a meeting with the Ambassador last week (ref C), Head of the President's Social-Political Department Ali Hasanov said that the City of Baku's published list was preliminary and that other sites would later be identified. The Ambassador welcomed additions, noting that a few centrally located sites should be designated as a sign of goodwill.

OPPOSITION PARTIES UNHAPPY WITH SITES

14. (C) Officials of the major opposition parties, which are boycotting the presidential election in part due to claims of restrictions on freedom of assembly, have announced their unhappiness with the chosen locations. Officials of both the Musavat Party and the Popular Front Party have given public statements citing concerns about the distance of the locations from central Baku. In addition, in a conversation with Embassy officials a Liberal Party official complained that the inability to protest in central Baku prevented political parties from showing support for their complaints to both the government officials in their downtown offices and to the general public.

TOUR OF RALLY SITES GIVES MIXED RESULTS

15. (C) On September 12 Embassy officials attempted to visit five of the approved demonstration sites which were within a

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one-hour drive of central Baku. Of these five sites, one site met the general qualifications for an appropriate demonstration site. Located about a half hour drive from downtown Baku and a few blocks from a metro stop, it was a large park with a podium in the center that could hold up to several thousand people. In addition it is located only a few blocks from Qaliba Square where many of the protests during the 2005 parliamentary elections took place.

16. (C) The other sites, however, had various problems that would make it difficult for a group, particularly an opposition party, to hold a large event in them. One was a stadium about a half hour south of the city owned by the State Oil Company of the Azerbaijan Republic (SOCAR) and guarded by SOCAR security guards. One of the guards informed Embassy officials that in order to hold a political event there, the organizer would need to apply to SOCAR for permission. President Aliyev's New Azerbaijan Party (YAP), claiming the site is accessible for all, is planning a large rally at the stadium this week. Another site was close to large metro stop, but was a small park hidden on an unmarked road. Another was also close to a metro stop, but was a small concrete square which had many levels to it and a large fountain in the center which would make it impossible for a crowd to see or hear anyone giving a speech in the square.

17. (C) The final location listed on the Mayor's declaration was a square across from the "Ulduz" metro station. Embassy officials were unable to find a square at this location, although the road was quite wide at this point and could possibly hold several hundred people. The buildings on this road, however, belong to the Ministry of Defense Industries, and when an Embassy official attempted to take photographs of the location, a police officer loudly confronted the official and demanded the deletion of the pictures.

COMMENT

18. (C) The expansion of the number of sites approved for rallies from four to eleven can be seen as progress on expanding freedom of assembly within Baku's city limits. The fact that some of these sites are close to metro stations

makes them potentially feasible for the opposition to hold large rallies. The location of these sites far from the center of town, however, reduces the potential for publicity for any rallies held. Given that the major opposition parties are boycotting the election due to, inter alia, their concerns about specific problems with the Election Code, their inability to protest near the Central Election Commission or other central locations could be construed as a violation of Azerbaijani citizens' legal right to assemble freely and a violation of Azerbaijan's international commitments. Expanding the list to include additional, more centrally located sites, as we have recommended to Azerbaijan's leaders, would be a welcome move by the City of Baku and GOAJ.

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